



Office of the Independent Police Auditor

City of San José

MARCH 1999

<http://www.ci.san-jose.ca.us/ipa/home.html>

VOLUME 7

Increasing Community Outreach

In addition to performing the day to day operations of the office of the IPA, the primary goal for 1998 was to increase community outreach and public relations. To this end, the IPA expended more time and resources to increase visibility and accessibility of this office to the public at large. The IPA continues to publish newsletters twice a year, which are distributed to approximately 400 organizations. In 1998, a presentation using MS Powerpoint was also created to use when speaking to community organizations. Members of the PSCU now join the IPA in making presentations to the neighborhood associations. Police officers assigned to the particular neighborhoods are also invited to come and meet the residents.



Poco Way Resident Committee

Neighborhood Presentations

In 1998, the IPA sent requests to associations that were recommended by the city council members of their respective districts. These requests explained the IPA's interests in reaching their neighborhoods to help citizens become aware of the existence of the IPA. The IPA and the PSCU talked about how to file complaints and closed with a question and answer session.

During the presentations, a self reporting survey was distributed among the residents in attendance and their responses compiled. The data is numerically not competent due to questions left unanswered or more than one response checked therefore, it is offered for informational purposes only. Below is a description of these results.

- ❖ Approximately 80% of the surveys indicated that they had not previously heard about the IPA office.
- ❖ About 40% reported feeling comfortable about filing a citizen complaint, 30% did not feel comfortable filing a complaint and 30% felt somewhat comfortable filing a complaint.
- ❖ 78% reported not having had a need to file a complaint, while 22% reported that they had had a need but did not for various reasons. The reasons expressed were: fearing that officers would retaliate, feeling the complaint would not be taken seriously, not knowing how to file a complaint, were too busy, or did not want to get into problems with "the law."

Bulletin

- Civilian Initiated complaints drop by 30%.
- IPA Recommends review of Officer Involved Shootings
- San José Police Department changes policy for the forcible drawing of blood_(page 3).
- IPA received 41% of total complaints filed.

❖ When asked if they had had a need to call the police for service within the last three years, 60% responded no and 40% yes. Of those responding yes, a follow up question asked if they were satisfied with the response time; 80% responded yes and 20% said no.

❖ Residents were asked to indicate their major police concerns. The responses were close in the frequency indicated:

- ◆ Police accountability
- ◆ Traffic
- ◆ Burglaries, Robberies
- ◆ Juvenile Crimes
- ◆ Gangs
- ◆ More police patrol
- ◆ Graffiti

Are you interested in a Presentation regarding the IPA or the Complaint Process? Contact us at 408.977.0652

YEAR END STATISTICS

ANALYSIS OF COMPLAINTS RECEIVED

January 1 through December 31, 1998

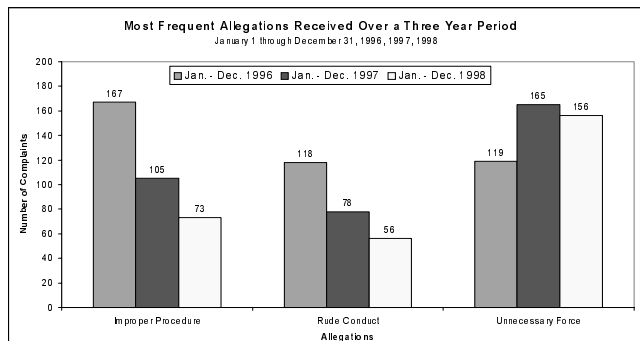
Classified complaints account for 359 of the 364 complaints received between January 1 through December 31, 1998. The remaining five (5) In-process complaints were awaiting classification as of December 31, 1998. Of those 359 complaints, 321 were closed between January 1 through December 31, 1998. The IPA received 41% of the total complaints filed during this reporting period. Data was rounded off to the nearest percentage.

Council Districts	CI	DI	IN	PO	PR	Total Cases	%
1 LEZOTTE	8	0	1	0	3	12	3%
2 POWERS	9	2	5	2	3	21	6%
3 CHAVEZ	54	20	25	9	20	128	36%
4 MATTHEWS	6	1	1	1	5	14	4%
5 DIAZ	18	2	5	0	6	31	9%
6 FISCALINI	13	3	1	2	7	26	7%
7 SHIRAKAWA, JR.	18	2	6	3	7	36	10%
8 WOODY	8	6	1	3	5	23	6%
9 DIQUISTO	6	2	6	3	2	19	5%
10 DANDO	3	0	3	1	8	15	4%
Unknown/Outside City Limits	3	29	1	1	0	34	10%
Total Cases Received	146	67	55	25	66	359	100%
%	41%	19%	15%	7%	18%	100%	
Total Cases Closed	130	50	55	25	61	321	

Formal: CI = Civilian-Initiated & DI = Department-Initiated
IN = Informal, PO = Policy, PR = Procedural

MOST FREQUENT ALLEGATIONS FILED

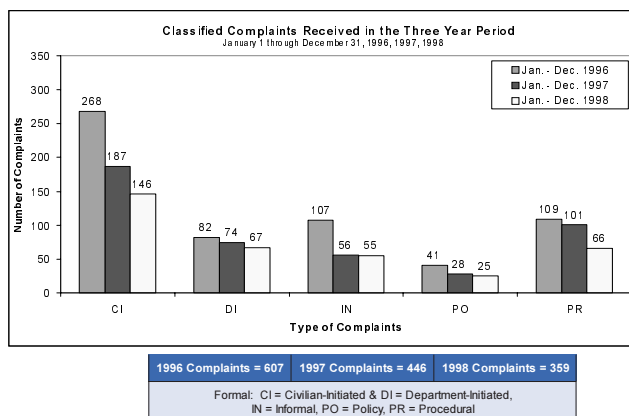
Unnecessary Force (UF), Improper Procedure (IP), and Rude Conduct (RC) allegations consistently yield the highest number of complaints. To compare these three types of allegations in the three year period of 1996, 1997, and 1998, please refer to the following illustration.



Comparing the recent allegations to previous two years, both Improper Procedure and Rude Conduct allegations decreased while the Unnecessary Force allegations decreased 29% from 1997 and increased 18% from 1996.

THREE YEAR END ANALYSIS OF COMPLAINTS

The following chart presents a comparative three year end study for 1996, 1997, and 1998 complaints. The total number of complaints received from January 1 through December 31, 1998, do not include the In-process complaints.



UNNECESSARY FORCE ANALYSIS

Type of Alleged UF	Jan. - Dec. 1998	
	Number	%
Baton	25	13%
Canines	4	2%
Car (officer)	9	5%
Car (complainant)	2	1%
Chemical Agent	10	5%
Gun (officer)	5	3%
Gun (complainant)	3	2%
Feet	20	10%
Ground	16	8%
Hands	66	34%
Handcuffs (tight)	13	7%
Knee	12	6%
Object	2	1%
Other	6	3%
Unknown	1	1%
Total	194	100%

Area Afflicted by Alleged UF	Jan. - Dec. 1998	
	Number	%
Head	34	30%
Torso	14	12%
Limbs	35	31%
MBP	27	24%
Unknown	4	4%
Total	114	100%

Degree of Injury	Jan. - Dec. 1998	
	Number	%
Major	15	17%
Moderate	18	20%
Minor	40	45%
None visible	10	11%
Unknown	5	6%
Total	88	100%

There were 213 Formal complaints received from January 1 through December 31, 1999, of which eighty-eight (88) complaints were Unnecessary Force cases that produced 156 allegations. The illustration above presented the type of force used, the body area afflicted by the use of force, and the degree of injury. The total figures exceed the number of allegations received because there may be multiple types of force used or area of affliction associated with each complaint.

DISCIPLINE IMPOSED

The following table is a three-year tabulation of disciplines imposed on sworn officers. Please note that this tabulation does not include non-sworn or reserve officers.

DISCIPLINE	1996	1997	1998	TOTAL
Counseling/Training	21	18	21	60
DOC	24	16	23	63
LOR	19	13	12	44
10 Hr suspension	2	4	4	10
20 Hr suspension	2	5	3	10
40 Hr suspension	1	3	2	6
80 Hr suspension	1	0	2	3
100 Hr suspension	0	0	1	1
120 Hr suspension	2	0	0	2
160 Hr suspension	1	3	1	5
Demotions	0	2	0	2
Terminations	4	0	1	5
Retired	3	2	7	12
Resigned	3	7	6	16
Total Disciplines	83	73	83	239

BLOOD SAMPLES TAKEN BY FORCE

Background

In the IPA's 1997 Year End Report, the IPA reported on the problem that arose when police attempted to take a blood sample from a suspect that was uncooperative or combative. The complaints alleged that blood samples were taken against the person's will at a place not suited or appropriate for the safe and sanitary taking of blood.

A closer review of SJPd practices determined that combative suspects, while handcuffed with their hands behind their back, would be forced over the hood of a patrol car by officers or on the ground where a technician would extract the blood. Other combative suspects were taken to the county jail and had their blood drawn at the jail parking lot. The IPA concluded that this practice was not acceptable and increased the risk of harm to the citizen, technician and the officers.

The IPA recommended that when taking blood specimens as evidence relevant to the crime at hand, the San José Police Department should do so in a medically accepted environment, according to accepted medical practices and without excessive force.

Update

Presently, the Police Department no longer takes blood samples from suspects at either of the aforementioned lots. The Police Department has instituted a new procedure and amended the duty manual section addressing the taking of blood samples from suspects.

The current procedure is to put the combative, handcuffed suspect in a body restraint system called a WRAP, before bringing them into the preprocessing center.



The WRAP consists of nylon/velcro straps and belts that wrap the person from the waist to their feet and keeps the suspect from bending at the knee. The suspect will then be brought into holding cell number two. The lower straps of the WRAP will be loosened so that the suspect can bend at the knees slightly and enable him to sit at the table. One arm is then extended over the table and cuffed to the end of the table. The technician will then draw blood from the suspect. The holding cells are clean and well lit.



Alternatively, the officers may put the suspect in a specially designed chair equipped with restraints. Once the suspect is restrained in the chair, the officers may roll the suspect into holding cell number two to have the suspect's blood drawn. Blood may also be drawn in the central area of the preprocessing center while the suspect is in the chair and the arm is restrained in an extended position.

The IPA commends the SJPd on their new procedures which address the concerns referred to in the 1997 Year End Report. Since the implementation of the new procedures, no complaints alleging the forcible extraction of blood have been filed. The IPA will continue to monitor and report on any further complaints regarding the drawing of blood samples in future reports.

1998 Year End Recommendations	Prior Recommendations		
<ol style="list-style-type: none"> 1. The IPA should review the administrative investigations of all officer involved shootings where a person was wounded or killed whether or not a complaint is filed. 2. The SJPd should complete the database that will link the IPA to the PSCU as soon as possible. This project started in 1995 and has been plagued with problems. The hardware is in place at both the IPA and the PSCU however, glitches with the system continue to surface. 3. Written reports detailing the investigative efforts by the supervisors responding to a Class I Use of Force should be mandatory. 4. Class I Use of Force complaints are required to be completed within 180 days. Only 55% met the goal. An improvement in this area is needed. 	ISSUES RAISED:	DISPOSITION:	CONCLUDED IN:
	1993 Year End Report		
	Create a new system for the classification of complaints	Adopted	1994 Year End Report
	Apply Intervention Counseling to all complaints	Adopted	1994 Year End Report
	1994 Year End Report		
	Implement citizen "Onlooker Policy"	Adopted	1995 Year End Report
	Contact complainants at regular intervals through updates and closing letters	Adopted	1994 Year End Report
	Enact policy for collecting physical evidence in Use of Force cases and immediate investigation by supervisor	Adopted	1995 Year End Report
	1995 Year End Report		
	Review Off-Duty Employment practices	Adopted	1997 Year End Report
	1996 Year End Report		
	Implement process for responding to citizen's request for officer identification	Adopted	1996 Year End Report
	Establish Class I and Class II Use of Force categories (Class I cases are to be investigated within 180 days; Class II within 365 days)	Adopted	1996 Year End Report
	1997 Year End Report		
	When forcibly taking a blood specimen from an uncooperative suspect, complete procedure in an accepted medical environment	Adopted	1998 Year End Report
	Time limits and a reliable tracking system should be set for every bureau and department involved with the complaint process	Adopted	1998 Year End Report
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We welcome your comments regarding this newsletter!



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**To file a complaint against
a SJPd officer, contact:**

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or visit our website at:
<http://www.ci.san-jose.ca.us/ipa/home.html>

or

**The Professional Standards
& Conduct Unit**

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